

CR15-707-PHX-SRB S.A.ROBERT MESHINSKY-PT#3 3-1-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, )  
 )  
 Plaintiff, )  
 ) CR15-00707-PHX-SRB  
 vs. ) Phoenix, Arizona  
 ) March 1, 2016  
 Abdul Malik Abdul Kareem, )  
 )  
 Defendant. )  
 )  
 )

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL - DAY #9  
TESTIMONY: S.A. ROBERT J. MESHINSKY - PART 3

**APPEARANCES:**

**For the Government:**

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P R O C E E D I N G S

(Called to the order of court at 9:07 a.m.)

THE COURT: Good morning, ladies and gentlemen. Please sit down. The record will show the presence of the jury, counsel, and the defendant.

Ladies and gentlemen, when we sat the jury, I mentioned that during any trial that lasts several weeks we seat alternate jurors so that if something comes up unexpectedly during the trial and a juror has to be excused, that we have enough jurors to continue.

Juror No. 3 has been excused as one of the alternate jurors, so now you are 15, as opposed to 16, with three alternates remaining.

The other thing I wanted to address with you is that someone inquired as to why Special Agent Whitson was able to sit through the whole trial and listen to all of the witnesses who testify when I had told you before that the lawyers had invoked the rule to exclude witnesses.

Well, there is an exception in the rule that allows each side to have someone sitting with them who's knowledgeable about the case that can assist the lawyers either with the prosecution or the defense. And because Agent Whitson is the case agent, he was designated as the individual to assist the prosecutors with the case -- with the evidence and to consult with them during the trial. And so he is

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1 subject to the exception to the rule.

2 There were two other questions and I'm not prepared  
3 to address them now because I haven't had a chance to discuss  
4 them with counsel.

5 Ms. Brook, the government -- my understanding is that  
6 you wish to interrupt Agent Whitson's testimony to put on the  
7 testimony of another witness.

8 MS. BROOK: That's correct, Your Honor, we do.

9 And before we call Evan Kohlmann who is here on video  
10 feed, we wanted to briefly put back on Robert Meshinsky.

11 MR. KOEHLER: Yes, Your Honor. The government wishes  
12 to recall Agent Meshinsky to finish up some items that we left  
13 off when we were presenting his testimony last week.

14 And then, obviously, the defense would have the  
15 opportunity to cross-examine Agent Meshinsky.

16 MS. PLOMIN: Your Honor, I just want to make clear  
17 that the prosecution has limited recalling Mr. Meshinsky for a  
18 very limited purpose of the Lenovo laptop and nothing else.

19 MR. KOEHLER: And, Your Honor, that's something I  
20 wanted to address with the Court and something that perhaps we  
21 should discuss at sidebar.

22 THE COURT: No.

23 MR. KOEHLER: Okay. There were items from the Acer  
24 Aspire laptop computer that were originally uploaded and given  
25 exhibit numbers but somehow didn't make it onto the

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1 government's exhibit list and those numbers got passed over.

2 And so those items were kind of in the netherworld,  
3 so to speak. They're in the Court's JERS disk, but they were  
4 not put into evidence or ever on our exhibit list prior to the  
5 trial and we discovered that over the weekend. And so I have  
6 those items marked.

7 THE COURT: And when did you notify the defense about  
8 those additional items?

9 MR. KOEHLER: I notified the defense about those  
10 items yesterday afternoon and evening.

11 THE COURT: Then that complies with my prior order  
12 that if there were any additional exhibits, that you had to  
13 provide notice the day before; and so, yes, you can go ahead  
14 and -- what number they're marked, I don't know, but.

15 MR. KOEHLER: They're marked 489 to 494, I believe.

16 THE COURT: Okay.

17 MR. KOEHLER: Or 488 to 492. And then the other  
18 items were items from the same --

19 THE COURT: Where is -- by the way, where is our  
20 witness.

21 MR. KOEHLER: He is in the witness room.

22 THE COURT: Let's get him in here.

23 MR. KOEHLER: And then the last one was the Samsung  
24 Galaxy S5 that are on the government's exhibit list as  
25 Exhibits 40 through 48.

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1 THE COURT: What about them? That you want to  
2 inquire of Agent Meshinsky about those?

3 MR. KOEHLER: That is correct.

4 THE COURT: And is there some objection?

5 MS. PLOMIN: Your Honor, I just want to reiterate, we  
6 didn't get these exhibits until late yesterday. We got one  
7 e-mail at 4:30 and one after 9:00 p.m.

8 THE COURT: Oh, well, that's not yesterday afternoon.

9 MR. KOEHLER: The 4:30 e-mail, I believe, was the 488  
10 numbers. I need to go back and doublecheck my e-mail.

11 THE COURT: Agent Meshinsky, you may take the stand.

12 MR. KOEHLER: And the e-mail after 9:00 was one  
13 photograph of an individual whose photograph already appears  
14 in some of the Twitter records. It's just a blownup version  
15 of it.

16 THE COURT: If it was sent after 9:00 p.m., we're  
17 not going to have it admitted this morning.

18 MR. KOEHLER: That's fine. And it won't be this  
19 morning, Your Honor.

20 THE COURT: The next question is we obviously have  
21 Mr. Kohlmann present by video conference. And I just  
22 explained the exception to the rule to exclude witnesses, so  
23 let's be sure there's no objection to Mr. Kohlmann hearing  
24 whatever testimony Agent Meshinsky is giving.

25 MR. MAYNARD: There is an objection. My suggestion

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1 would be let's get Mr. Kohlmann on first, get him over with,  
2 and then they can bring back Meshinsky.

3 MR. KOEHLER: Some of the exhibits --

4 MR. MAYNARD: They're going to attempt to have him  
5 testify about things that they want Mr. Kohlmann now to  
6 testify about.

7 THE COURT: Well, if we have the rule to exclude  
8 witnesses, so Mr. Kohlmann cannot be present during the  
9 testimony of any other witness.

10 MS. BROOK: Your Honor, can we just press "mute" on  
11 Mr. Kohlmann's end so that he doesn't hear anything?

12 MR. KOEHLER: Or on our end.

13 THE COURT: We can try that.

14 First of all, good morning, Mr. Kohlmann. Can you  
15 hear me?

16 EVAN KOHLMANN: Sorry, Your Honor. Yes, I can.

17 THE COURT: Okay. We're going to try to moot --  
18 mute, rather, the audio for the witness who's going to  
19 testify. So if you don't hear anything, that's why. So I'm  
20 going to try to mute it now and then I'll ask you if you can  
21 hear me. And if you don't answer, I will assume it's because  
22 it worked.

23 EVAN KOHLMANN: Okay. Thank you very much.

24 THE COURT: Can you hear me, Mr. Kohlmann?

25 Okay. I assume that means he can't hear me.

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1 MR. KOEHLER: Are you able to hear us?

2 THE COURT: I think that's a "no." Okay. Please  
3 proceed.

4 MR. KOEHLER: Thank you.

5 SPECIAL AGENT ROBERT J. MESHINSKY, WITNESS, SWORN

6 DIRECT EXAMINATION (cont'd)

7 BY MR. KOEHLER:

8 Q Agent Meshinsky, when we left off, we were last talking  
9 about the Acer Aspire computer.

10 A Yes.

11 Q And what was the QPX number assigned to that Aspire?

12 A QPX-100.

13 MR. KOEHLER: Bless you.

14 BY MR. KOEHLER:

15 Q And as part of your review of that computer, did you  
16 export portions of the slack space showing Internet search  
17 history and so forth?

18 A Yes.

19 THE COURT: What is "slack space"?

20 THE WITNESS: On a computer hard drive, you have  
21 unallocated space, slack space, free space. It's where  
22 there's nothing -- the operating system is not there. There  
23 are no files there and you'll find remnants of files that have  
24 been deleted.

25 THE COURT: So is "slack space" free space? I mean,

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1 is it just another term for "free space or" "unallocated  
2 space"?

3 THE WITNESS: Yes, it is. Yes.

4 THE COURT: Okay. Thank you.

5 MR. KOEHLER: My apologies.

6 BY MR. KOEHLER:

7 Q The items that you find in free, unallocated space, or  
8 slack space, are those items that have been deleted in the  
9 past but portions of them remain?

10 A That's correct.

11 Q And as part of that I'm going to show you Government's  
12 Exhibit 488 on the document camera.

13 And, Agent Meshinsky, do you recognize Exhibit 488?

14 A Yes.

15 Q And can you tell us in general terms what this is?

16 A This is from, like we said earlier, it's from the  
17 unallocated space. These are Internet searches, logs that  
18 were recovered. I created -- we did a sweep of the data and  
19 then, in turn, converted it into a .pdf file, temporary  
20 Internet files.

21 Q Does this reflect searches for "Anwar al-Awlaki"?

22 A Yes.

23 MR. KOEHLER: Move to admit 488.

24 MS. PLOMIN: I have noted my objection for the Court,  
25 Your Honor.



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1 THE COURT: The objection is just late disclosure,  
2 correct?

3 MS. PLOMIN: That I know of, yes.

4 THE COURT: The objection is overruled. And is it  
5 488 or 489?

6 MR. KOEHLER: 488.

7 THE COURT: 488 is admitted.

8 (Exhibit No. 488 admitted in evidence.)

9 BY MR. KOEHLER:

10 Q Looking at the first line, Agent Meshinsky, can you  
11 identify who the user account is on the computer at that  
12 point?

13 A At that point the user was Laura.

14 Q During your review of the computer, did you find any  
15 evidence of the identity of who Laura was?

16 A I did not.

17 Q And looking at the second line, does that show what we  
18 were talking about and can you explain that?

19 A Can you repeat your question?

20 Q Looking at the second line, is that an example of what we  
21 were talking about in terms of a search for "Anwar al-Awlaki"?

22 A Yes.

23 Q And how is it that you're able to see that and explain  
24 that in terms of what that means on the computer.

25 A If you start at the beginning, you have your "Hard Disk,"

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1 the "Volume3," the "User," the User's "Laura." The  
2 information is stored in the "AppData," which within the  
3 AppData there's a folder called "Local." Within that folder  
4 there's a folder called "Microsoft" with a "Windows" folder  
5 within that directory. You have the "Temporary Internet  
6 Files." And that was where that was. It was stored in  
7 there.

8 Q And at the time you reviewed that computer, did a user  
9 named "Laura" exist as an active user account on the computer?

10 A Yes.

11 Q Now, moving on to Exhibit 489, did your review of the  
12 slack space also reveal visits to a hoor-al-ayn.com or  
13 hoor-al-ayn.com?

14 A Yes.

15 Q And is 489 a true and accurate copy of that portion of the  
16 space reflecting those?

17 A Yes.

18 MR. KOEHLER: Move to admit 489.

19 MS. PLOMIN: Same objection, Your Honor.

20 THE COURT: The objection to late disclosure is  
21 overruled. 489 is admitted.

22 (Exhibit No. 489 admitted in evidence.)

23 BY MR. KOEHLER:

24 Q And was this user again the "Laura" account on the  
25 computer?

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1 A Correct.

2 Q Now, moving on to 490, did your review of the computer  
3 also reveal visits to kalamullah.com?

4 A Yes.

5 Q And is 490 an accurate depiction of those items from the  
6 free space on the computer?

7 A Yes.

8 MR. KOEHLER: Move to admit 490.

9 MS. PLOMIN: Objection. Late disclosure.

10 THE COURT: 490 is admitted. The objection is  
11 overruled.

12 (Exhibit No0. 490 admitted in evidence.)

13 THE COURT: How come this one doesn't look the same?

14 THE WITNESS: When we sweep and convert it into a  
15 document, the .pdf cleaned it up a little.

16 THE COURT: But it looks totally different from the  
17 last two.

18 THE WITNESS: Right. It's from a different part of  
19 the slack space where we were looking at the searches that  
20 they did for pictures and such.

21 BY MR. KOEHLER:

22 Q And so the extensions "jpg" at the end of the filenames on  
23 the second line and on the fourth line on the next one down, I  
24 guess also on the end of the first line of each entry, does  
25 that reflect that you're looking for pictures when you're

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1 going through that part of the computer?

2 A There were pictures that were looked for, right, at that  
3 website.

4 Q Now, moving on to 491, do you recognize this?

5 A Yes.

6 Q And can you tell us what that is?

7 A These are websites that were visited by the user of the  
8 computer.

9 Q And does it reflect visits to islamicline.com, Sheikh  
10 Anwar al-Awlaki?

11 A Yes.

12 Q Is this a true and correct copy of that portion of the  
13 free space?

14 A Yes.

15 MR. KOEHLER: Move to admit 490.

16 MS. PLOMIN: Same objection.

17 THE COURT: The objection is overruled. I think it's  
18 491.

19 MR. KOEHLER: It's 490 -- oh, that's right. It is.  
20 I'm sorry. It's 491.

21 THE COURT: 491 is admitted.

22 (Exhibit No. 491 admitted in evidence.)

23 BY MR. KOEHLER:

24 Q I'm going to move down. Can you tell us who the user is  
25 on this particular account?

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1 A This user is "git." G-I-T.

2 Q Now, moving on to 492, do you recognize this, Agent  
3 Meshinsky?

4 A Yes.

5 Q Can you tell us in general terms what this is?

6 A It's more information that was in the unallocated space.

7 Q And what type of information is this?

8 A It shows an individual going to -- actually, I'm sorry.  
9 Playing a song, the name the artist, the album. So it could  
10 be -- it could be a music file that was downloaded and played.

11 Q Okay. Can it also just be an audio file that was  
12 downloaded and played?

13 A Yes.

14 Q And so does that mean that this file actually existed on  
15 the computer and had been stored to the computer?

16 A Yes.

17 Q Is this a fair and accurate depiction of that?

18 A Yes.

19 Q And can you tell us who the user is on that?

20 A "Public."

21 Q Can you explain what "Public" is on a computer?

22 A Public on the computer could be a user that's open to  
23 anybody that could use it.

24 MR. KOEHLER: Okay. Move to admit 492.

25 MS. PLOMIN: Your Honor, I just ask for a standing

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1 objection for Exhibits 492 through 497 that were late  
2 disclosure.

3 THE COURT: Well, I will assume that you have that  
4 objection. If there are any different objections, then I will  
5 ask you to make them when they're offered.

6 492 is admitted.

7 (Exhibit No. 492 admitted in evidence.)

8 BY MR. KOEHLER:

9 Q I'm now going to turn back to the Lenovo laptop computer,  
10 the 2015 image of the Lenovo laptop computer, and can you tell  
11 us, again, what the designator was for that computer?

12 A That computer is QPX\_300\_1 would be the hard drive that  
13 was in QPX\_300.

14 Q I'm going to start with Exhibit 164.

15 Do you recognize that?

16 A Yes.

17 Q And can you tell us what that is in general terms?

18 A This is part of the file that was recovered from the  
19 Lenovo. What you have is screen capture of -- from the  
20 application that we do the exam in. What you have is some  
21 searching.

22 Q Okay. Is this a true and correct copy of that portion of  
23 the search history from the Lenovo laptop?

24 A Yes.

25 MR. KOEHLER: Move to admit 164.

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1 MS. PLOMIN: No objection.

2 THE COURT: 164 is admitted.

3 (Exhibit No. 164 admitted in evidence.)

4 BY MR. KOEHLER:

5 Q And can you tell us what the user was searching for on the  
6 Lenovo laptop?

7 A Searching for video files on YouTube regards to "Battle of  
8 the Hearts and Minds," several versions of it.

9 Q And the dates of these searches?

10 A April 1st, 2012.

11 Q All right. And now going to move on to 165, can you tell  
12 us, again, in general terms what this is?

13 A It's a browser history. It's a snapshot for that  
14 particular day from Mozilla Firefox.

15 Q Is this, likewise, a true and correct copy of the search  
16 history from the Mozilla Firefox for the Lenovo laptop, a 2015  
17 image?

18 A Yes.

19 MR. KOEHLER: Move to admit 165.

20 MS. PLOMIN: No objection.

21 THE COURT: 165 is admitted.

22 (Exhibit No. 165 admitted in evidence.)

23 BY MR. KOEHLER:

24 Q And what was the user searching for here on YouTube?

25 A Another video file entitled "Anwar al-Awlaki: Brutality

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1 Towards the Muslims Part 2."

2 Q Now, moving on to 166, is that another snip from the  
3 Mozilla Firefox browser history?

4 A It is for May 3rd, 2012.

5 Q Is that a true and correct copy?

6 A Yes.

7 MR. KOEHLER: Move to admit 166.

8 MS. PLOMIN: No objection.

9 THE COURT: 166 is admitted.

10 (Exhibit No. 166 admitted in evidence.)

11 BY MR. KOEHLER:

12 Q And what was the user searching for there?

13 A Another YouTube, "And Incite The Believers" by Sheikh  
14 Abdullah Ibn Muhammad -- I do not want to say the last name  
15 because I'm afraid I'll mess it up.

16 Q Arrashud?

17 A Arrashud. Thank you.

18 Q Now, on to 167, do you recognize that?

19 A Yes.

20 Q And is that another snip from the Mozilla Firefox browse  
21 history?

22 A Correct.

23 Q Dated May 3, 2012?

24 A Correct.

25 Q Is that a true and correct copy?



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1 A Yes.

2 MR. KOEHLER: Move to admit 167.

3 MS. PLOMIN: No objection.

4 THE COURT: 167 is admitted.

5 (Exhibit No. 167 admitted in evidence.)

6 BY MR. KOEHLER:

7 Q And can you tell us what video was searched for there?

8 A "Mujahideen Bagram escape YouTube."

9 Q Now, moving on to 168.

10 THE COURT: Mr. Koehler, how many more of these do  
11 you have from the Lenovo?

12 So far there have been no objections to any of them.

13 MR. KOEHLER: Five.

14 THE COURT: What numbers are they?

15 MR. KOEHLER: Is 168 through 172.

16 THE COURT: Are there any objections?

17 MS. PLOMIN: No, Your Honor.

18 THE COURT: Are you offering them?

19 MR. KOEHLER: I am.

20 THE COURT: 168 through 172 are admitted.

21 (Exhibit Nos. 168, 169, 170, 171 and 172 admitted in  
22 evidence.)

23 BY MR. KOEHLER:

24 Q Let's start with 168. What was the search here?

25 A May 3, 2012, again, on YouTube for "mujahid escape Bagram.

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1 YouTube."

2 Q All right. And these are all, again, from the Lenovo 2015  
3 image?

4 A Correct.

5 Q Here's 169.

6 A May 3, 2012. Again, "Escape From Bagram Prison. One.  
7 Part 2 of 5. Documentary."

8 Q Now 170.

9 A Browser history again. May 8, 2012. Google Search on  
10 "mujahideen." And then the other, again, is another search on  
11 Google, same subject. The date I can't read. Time of the --  
12 you have the hole punch right there.

13 Q All right.

14 A 10:54.

15 Q Very good. We can cycle back to that later.

16 Now, 171.

17 A Again, browser history. Internet search history. Again,  
18 for "Lectures." Dates 5/13/2012. A lecture 5/14/2012.  
19 5/15/2012. And, again, 5/15/2012.

20 Q Is the website there "kalamullah.com"?

21 A Yes.

22 Q And then the last one is this, a full print of the Firefox  
23 Browser History?

24 A Correct.

25 Q I'll direct you now your attention to Exhibits 40 to 48

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1 and place them on the document camera for you one at a time.

2 Do you recognize Exhibit No. 40?

3 A Yes.

4 Q And can you tell us in general terms what it is?

5 A It's a .pdf document that was recovered from the cell  
6 phone.

7 Q And which cell phone was that?

8 A The cell phone that we identified as one of the phones  
9 from Dallas that was recovered and processed in Dallas.

10 Q Was it the Samsung?

11 A Samsung S5.

12 Q Do you remember the color of the phone?

13 A It was white.

14 Q And is this a true and correct copy of a .pdf file that  
15 you exported from -- I'm sorry.

16 What was the QPX number you gave the phone?

17 A Well, it's going to be a "DL" number. I can't recall the  
18 number.

19 Q Okay. But the white Galaxy S5?

20 A Correct.

21 MR. KOEHLER: Move to admit 40.

22 MS. PLOMIN: No objection.

23 THE COURT: 40 is admitted.

24 (Exhibit No. 40 admitted in evidence.)

25 THE COURT: Before you do them one at a time, Mr.

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1 Koehler, are you planning to go through multiple exhibits of  
2 things that all came from this white Galaxy Samsung phone?

3 MR. KOEHLER: Yes, Your Honor.

4 THE COURT: What are they?

5 MR. KOEHLER: 40 through 47.

6 THE COURT: And it will be the same foundation from  
7 this witness as to -- up to 47?

8 MR. KOEHLER: That's correct, Your Honor. And there  
9 is one additional from the phone that is --

10 THE COURT: Well, let's just take care of 40 through  
11 47 right now and find out if the defense has any objection to  
12 those.

13 MS. PLOMIN: One moment, Your Honor.

14 I do not have any objection to foundation, Your  
15 Honor.

16 THE COURT: Are you offering 41 through 47, Mr.  
17 Koehler?

18 MR. KOEHLER: Yes, Your Honor.

19 THE COURT: 41 through 47 are admitted.

20 (Exhibit Nos. 41, 42, 43, 44, 45, 46 and 47 admitted in  
21 evidence.)

22 BY MR. KOEHLER:

23 Q So this is 41 on the document camera.

24 Can you just read the name of the publication,  
25 please.

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1 A "RUM Which Nation Does The Agadutg Of The Last Day Refer  
2 To?"

3 Q And now 42.

4 A "The ISIS Twitter Census. Defining and describing the  
5 population of ISIS supporters on Twitter."

6 Q I'm going to skip to the third page of 42 because the  
7 first two pages are just cover sheets.

8 THE COURT: Okay. So now you're on 42?

9 MR. KOEHLER: That's correct.

10 THE COURT: Okay. The ISIS Twitter Census was 41.

11 MR. KOEHLER: Correct.

12 BY MR. KOEHLER:

13 Q So what is the name of 42, please?

14 A From the Rand Corporation. "Promoting Online Voices For  
15 Countering Violent Extremism."

16 Q Exhibit 43.

17 A Court documents for the United States District Court,  
18 Southern District of Ohio, Eastern Division.

19 United States of America, plaintiff, versus  
20 Abdirahman Sheik Momamud, a/k/a -- I can't say it -- the  
21 defendant.

22 Q Is that an indictment?

23 A Excuse me.

24 Q Is that an indictment?

25 A Yes.

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1 Q Now 44.

2 A .pdf document. "The Absent Obligation from the pen of  
3 Muhammad Abdus Salam Faraj."

4 Q And this part here?

5 A Can you move it a little. It has kind of a glare on it.

6 "And expel the Jews and Christians from the Arabian  
7 Peninsula."

8 Q And this is 45.

9 A Correct. Dabiq -- can you say that one?

10 Q Is that Dabiq?

11 A Dabiq -- excuse me -- Issue No. 5.

12 Dabiq. Issue No. 8.

13 Q And 47.

14 A How do you say that first word?

15 Q Is that "hijra"?

16 A "Hijra" -- thank you -- "to the Islamic State. What to  
17 pack up. Who to contact. Where to go. Stories and more.  
18 Prequel eBook. The Islamic State 2015."

19 Q All right. And last but not least, directing your  
20 attention to Exhibit 494, do you recognize that?

21 A Yes.

22 Q And what is that?

23 A It's an Internet history from the Samsung browser.

24 Q Okay. The same cell phone that we have been talking  
25 about, the white Galaxy S5?

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1 A Correct.

2 Q Is that a true and correct copy of the extraction history  
3 of the browser?

4 A It's a portion of it, yes.

5 Q Of that portion?

6 A Yes.

7 MR. KOEHLER: Move to admit 494.

8 THE COURT: Okay. What happened to -- it's not --  
9 it's not a complete extraction. It's just a little part of  
10 it.

11 THE WITNESS: No. It's just page 89 of 178 pages.

12 THE COURT: Oh. Well, maybe we should be glad it's  
13 only one page then.

14 Is there any objection other than late disclosure?

15 MS. PLOMIN: No. That's the only objection.

16 THE COURT: 494 is admitted.

17 (Exhibit No. 494 admitted in evidence.)

18 THE COURT: So how many pages can you have on a  
19 Samsung Galaxy phone?

20 Mr. Koehler just showed you exhibits that if he held  
21 them all up was about this high (indicating) and you just said  
22 there's 179 total pages of just this.

23 THE WITNESS: Well, this is a report. This  
24 particular document is a report that we've created.

25 The documents that he showed us earlier, a cell phone

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1 can hold up to -- the newer iPhones, 128 gigs worth of data.  
2 So the Samsung phones are probably up there as well. 64 gigs.

3 THE COURT: Thank you.

4 BY MR. KOEHLER:

5 Q Do you know how many gigs of data the Galaxy S5 had  
6 available to it?

7 A That particular phone had 16 gigs.

8 Q Okay. And if you were to just take 16 gigs-worth of  
9 paper, do you have any idea of how much space that would fill?

10 A Well, they say that -- one gig is the equivalent of about  
11 20 file cabinets of data.

12 Q So 16 times 23,200 file cabinets?

13 A If you say so.

14 Q If my math is right. Maybe I'm off. Maybe it's only 320.  
15 Yeah, it's 320.

16 320 filing cabinets full of paper?

17 A That's what I use a calculator for.

18 Q Can you read the third line here where my finger is? Just  
19 the part, the first part of the line where my finger is.

20 A Sure. <https://justpaste.it/ISHDLEAK>.

21 Q And does reflect that the user visited a site called  
22 "justpaste.it"?

23 A Correct.

24 Q And downloaded a document called I-S-H-D-L-E-A-K?

25 A Correct.



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1 Q And, again, Agent Meshinsky, do you recall the identity of  
2 the person who was using the Samsung Galaxy S5 or that you  
3 assessed to be the user of that phone?

4 A I believe it was one of the individuals in Dallas.

5 MR. KOEHLER: May I have one moment?

6 THE COURT: Yes.

7 MR. KOEHLER: I just want to confirm with the clerk.

8 Is 166 in? I thought I moved to admit and I wanted  
9 to be sure.

10 THE CLERK: Yes.

11 MR. KOEHLER: It's in? All right.

12 I have no further questions at this time.

13 THE COURT: Ms. Plomin, do you have any questions on  
14 cross?

15 MS. PLOMIN: I do, Your Honor.

16 THE COURT: You may proceed.

17 **CROSS EXAMINATION**

18 BY MS. PLOMIN:

19 Q Good morning, Mr. Meshinsky.

20 A Good morning.

21 Q I'm going to try and go chronologically here. You have a  
22 lot to testify about.

23 A That's fine.

24 Q In terms of the Lenovo, you testified to the search

25 history of several exhibits. I believe it was Exhibits 164 --

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1 I'm sorry -- 165 through 172. Do you remember that?

2 A Yes.

3 Q Okay. And in terms of the search history that you  
4 reviewed and you testified to in those exhibits, let me just  
5 clarify. Those were all from 2012, correct?

6 A Correct.

7 Q All right. And in terms of those exhibits that you  
8 testified to, there were search histories on April 1st, 2012?

9 A Correct.

10 Q And May 3rd, 2012?

11 A Correct.

12 Q And all of the search history occurred between March and  
13 May of 2012 that you testified to, correct?

14 A That's correct.

15 Q All right. And when you viewed those items of search  
16 history, are you able to determine which user was conducting  
17 those searches?

18 A Based on the documents that were printed out, I could not  
19 tell.

20 Q Now, moving on to the flash drive that was inserted into  
21 the Lenovo, you testified to that maybe a week or a  
22 week-and-a-half ago.

23 Now, did you review a report or did you conduct your  
24 own analysis in order to determine when the files on the flash  
25 drive were uploaded or were put onto the flash drive?

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1 A It was put into CAIR and I was -- once the files were  
2 identified by the case agent and other members of his squad,  
3 the report was printed. We weren't asked to do any further  
4 analysis on the thumb drive.

5 Q All right. And did you review Agent Neville -- I'm  
6 sorry -- Mr. Neville's report on certain -- 27 items that were  
7 found on the flash drive and when they were put onto the flash  
8 drive?

9 A I did not review his report.

10 Q Now, moving on to the Acer laptop, you testified to  
11 unallocated or slack space.

12 Are you able to determine any of the items that are  
13 found in the unallocated space are you able to determine which  
14 user left the remnants that you located in the slack space?

15 A Only if it's able to be recovered.

16 When it goes in the slack space, the unallocated  
17 space, are just fragments of files. So if it was able to  
18 recover that information who put it there, it would have.

19 Q And you located a user named "Laura"?

20 A Correct.

21 Q Did it appear to you that -- well, Let me actually back  
22 up.

23 Were you able to determine from those remnants that  
24 were left in the slack space or the unallocated space when  
25 they were viewed -- well, when they were viewed on the laptop?

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1 A No.

2 Q Were you able to determine if they were viewed on the  
3 laptop; the YouTube searches, for instance?

4 A When I exported the documents out, that was one -- when I  
5 saw them and reviewed them, prior to that all the information  
6 was in CAIR and the case agents and the analysts were the ones  
7 that reviewed it.

8 Q And so who would that be a question for?

9 A Probably the case agent.

10 Q Agent Whitson?

11 A Yes.

12 THE COURT: So I think -- I'm not sure you answered  
13 the question which was:

14 Were you able to determine if they were viewed on the  
15 laptop; the YouTube searches, for instance.

16 THE WITNESS: You would be able to, yes. I'm sorry.  
17 You would be able to.

18 THE COURT: Were you able to determine?

19 THE WITNESS: Based on the information I saw in the  
20 slack space, yes, I could determine that they were viewed on  
21 the laptop.

22 BY MS. PLOMIN:

23 Q But you didn't -- you weren't instructed or you didn't do  
24 that in this case?

25 A That's correct.

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1 Q Now, moving on to the Galaxy S5 phone, the white phone  
2 that was found in Texas, I believe you testified on direct  
3 that you believed that that phone belonged to one of the  
4 individuals in Texas. I'm assuming you meant Elton Simpson or  
5 Nadir Soofi?

6 A Correct.

7 Q Do you know which one had the subscriber information that  
8 linked to that phone?

9 A When I reviewed the report yesterday -- and I'm just  
10 recalling now -- it was Simpson.

11 Q Elton Simpson?

12 A Yes. Sorry.

13 Q And those documents that you testified to at the end of  
14 the direct examination today, those were found in the white  
15 Samsung phone, correct?

16 A That is correct.

17 Q Belonging to Elton Simpson?

18 A Correct.

19 Q And were you able to determine --

20 Well, first, are you able to determine from a  
21 forensic level when those documents are uploaded or downloaded  
22 onto a phone?

23 A You would be able to, yes.

24 Q And did you do that in this case?

25 A I did not.

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1 Q Do you know if anybody did that in this case?

2 A I do not.

3 Q Now, I believe it was on Friday you testified to an LG  
4 phone, 440 phone, that was found in Simpson and Soofi's  
5 apartment. Do you remember that?

6 A I believe I do.

7 Q And you testified to two specific text messages that were  
8 found in that phone?

9 A Correct.

10 Q And did you review the full -- is it ZRT Report?

11 A Correct.

12 Q And the ZRT Report is, essentially, a kind of snapshots of  
13 pictures of all the activity in the phone?

14 A That is correct.

15 Q And did you review the full ZRT Report for that LG phone  
16 that was found in Simpson and Soofi's apartment?

17 I want to distinguish because there are two LG  
18 phones.

19 A I did.

20 Q And I have marked as Exhibit 342 -- I'm not going to ask  
21 to admit it now -- but I would like to show it to you.

22 Does this appear to be the volume that -- of text  
23 messages that you viewed in the LG phone that was found in  
24 Simpson and Soofi's residence?

25 A When I took pictures, so, I would have to look and see

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1 your document there.

2 MS. PLOMIN: Okay. Your Honor, may I show it -- or  
3 approach the clerk and show it to the witness?

4 THE COURT: Yes.

5 MS. PLOMIN: Thank you.

6 THE WITNESS: Thank you.

7 What you have is the ZRT Report which I created. And  
8 the way the report is set up is you have the thumbnail view.

9 And if you click on the thumbnail view, then you will  
10 get the expanded view. So at the beginning of the report, as  
11 you see here, your thumbnail views. And when you click on it,  
12 you would then get the full view here.

13 And that's why there's so many pages to this  
14 document.

15 BY MS. PLOMIN:

16 Q There's essentially a page for each text message?

17 A Well, there's more than just the text messages. I believe  
18 there was also dialed numbers, contacts, missed calls,  
19 received calls, pictures, then the message inbox, drafts, an  
20 outbox, and that was it.

21 Q Okay. And in your review of that ZRT Report, are you able  
22 to determine the contacts that are in the phone, the contacts  
23 that the person who has the phone records the name and phone  
24 number of?

25 A If I was able to find it, I would have taken a picture

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1 with it. And the reason I had to take pictures is because the  
2 other forensics software that we use does not recognize the  
3 phone. So this is the next step that we take.

4 Q When you reviewed the ZRT Report, did you see text  
5 messages with a person by the name of Bunker Bob?

6 A I don't recall.

7 Q Do you recall if you saw text messages asking --  
8 requesting to buy various form of ammunition?

9 A I do remember that, yes.

10 Q And, specifically, ammunition for an AK-47?

11 A I remember an AK-47 being mentioned in one of the text  
12 messages, yes.

13 Q And do you recall communication with a person by the name  
14 of Bunker Bob?

15 A I don't remember the name of the person they were  
16 communicating with.

17 Q I just want to clarify that that is a true and correct  
18 copy of the ZRT Report that you created and that you viewed?

19 A Correct.

20 MS. PLOMIN: Your Honor, I'm not going to move to  
21 admit the exhibit at this time.

22 THE COURT: Mr. Koehler, do you have any questions on  
23 redirect?

24 **REDIRECT EXAMINATION**

25 BY MR. KOEHLER:



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1 Q Ms. Plomin asked you about dates on some of the different  
2 files.

3 A Yes.

4 Q This is 488 in evidence.

5 Did this file from the slack space give you any dates  
6 on when these things occurred?

7 A No, not that I can see.

8 Q Same question regarding 489 in evidence.

9 A No.

10 Q One more question about that.

11 Are you able to tell whether from these particular  
12 things whether the user actually clicked through and watched  
13 the item?

14 A On this particular page you can see if they clicked  
15 through on a couple of them, yes.

16 Q Okay. Can you use the screen there and just point at the  
17 line using the screen -- you can draw a line on it -- to show  
18 which line you're talking about.

19 A It could be this one right here (indicating) search is  
20 this here.

21 Q Okay.

22 A And then the viewing is here.

23 Q All right. Thank you.

24 Now, moving on to 490, does 490 give you dates?

25 A No.

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1 Q When someone navigates to a photo on a page, does the  
2 photo display automatically?

3 A On a page on some you would have to click on. Some will  
4 show on a webpage.

5 Q Okay. And can you see whether there was a click-through  
6 on any of these or are you able to tell whether it would be  
7 automatic?

8 A I'm not able to tell.

9 Q Okay. 491, same question about dates.

10 A No dates.

11 Q And are you able to see whether click-throughs occurred to  
12 the content?

13 A There would be a few here. The search.

14 Do you want me to touch the screen?

15 Q Yes, please.

16 A Here -- oh, you moved it.

17 Q All right.

18 A There. With a click -- there was a search here and a  
19 click-through here.

20 Q And this is 491.

21 And same questions with 492.

22 A Here you do have some dates. Where it was modified. The  
23 file.

24 Q Okay. Can you show us that?

25 A Right there. (indicating) August 19th, 2013, and this is

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1 an audio file.

2 MR. KOEHLER: That's all I have, Your Honor. Thank  
3 you.

4 THE COURT: May Agent Meshinsky be excused or is he  
5 still subject to recall, Mr. Koehler?

6 MR. KOEHLER: He may be excused, Your Honor.

7 THE COURT: Is there any objection?

8 MS. PLOMIN: No, Your Honor.

9 THE COURT: Thank you, Agent Meshinsky. You may step  
10 down, sir, and you are excused as a witness.

11 THE WITNESS: Thank you. Should I leave this here?

12 THE COURT: Maureen, would you get the exhibit back  
13 and give it to Ms. Plomin?

14 Are we ready for Mr. Kohlmann now?

15 MS. BROOK: We are, Your Honor.

16 (End of excerpt of proceedings.)

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## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 29th day of April, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE